

REMARKS

While Applicants appreciate the Examiner's consideration of the references cited on the first and third Information Disclosure Statements (IDSes) filed in this matter (those being mailed January 22, 2003 and March 30, 2004, respectively), Applicants note that it appears that the Examiner has not indicated that the references included in Applicants' second IDS (filed November 4, 2003) have been considered. Applicants thus respectfully request that the Examiner acknowledge consideration of the references of that previously submitted second IDS by initialing each reference on a copy of the IDS and returning the copy to the Applicants' representative. Applicants have included a copy of that second IDS for reference purposes.

Overview

The Examiner has responded in the prior action as follows: rejected claims 66-172 under 35 U.S.C. 102(e) as being anticipated by Abbott et al. (US Patent 6,747,675). Claims 1-65 were previously canceled, and thus claims 66-172 remain pending.

Applicants respectfully traverse this rejection, as the Abbott reference is not prior art for this application under 35 U.S.C. § 102(e), as discussed below. Since this was the only basis of rejection for the pending claims, these claims are in allowable form, and Applicants therefore respectfully request that the Examiner timely indicate allowance of all pending claims.

In particular, the pending application is a continuation of U.S. Patent Application No. 09/724,894, which was filed November 28, 2000, as well as claiming the benefit of provisional U.S. Patent Application Nos. 60/194,004 and 60/193,999, both filed April 2, 2000, and as well as being a continuation-in-part of U.S. Patent Application No. 09/216,193 filed December 18, 1998. 35 U.S.C. § 102(e) provides for prior art that is a patent application or patent "filed in the United States before the invention by the applicant" (emphasis added). However, since the Abbott reference was filed on November 28, 2000, it was not filed before the priority date for the pending application, and thus cannot serve as prior art under 35 U.S.C. § 102(e) for the pending application.

Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
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